

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOSE ESTRADA-SILVA,

Petitioner,

v.

NATALIE ASHER, et al.,

Respondents.

NO. C14-665-RAJ-JPD

REPORT AND
RECOMMENDATION

Petitioner is a native and citizen of Mexico. Dkt. 1 at 4. Through counsel, he filed the instant petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241, seeking release from immigration detention at the Northwest Detention Center in Tacoma. *See id.* at 5.

Respondents have moved to dismiss, arguing that the petition is moot because petitioner has since been released on supervised release. *See* Dkt. 7, Ex. A. Petitioner has not responded to the motion to dismiss.

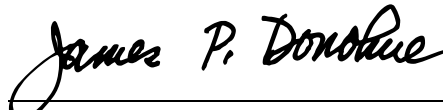
Under Article III of the U.S. Constitution, federal courts may adjudicate only actual, ongoing cases or controversies. *Deakins v. Monaghan*, 484 U.S. 193, 199 (1988). Where the court can no longer grant effective relief, it lacks jurisdiction and must dismiss the case as moot. *See, e.g., Cox v. McCarthy*, 829 F.2d 800, 805 (9th Cir. 1987); *Enrico's, Inc. v. Rice*, 730 F.2d 1250, 1254 (9th Cir. 1984). Because petitioner has already been given the relief he

1 requested—release from detention—his claim must be denied as moot. *See Flores-Torres v.*
2 *Mukasey*, 548 F.3d 708, 710 (9th Cir. 2008) (dismissing as moot portion of habeas petition
3 challenging detention without bond upon grant of bond hearing).

4 Accordingly, the Court recommends GRANTING respondents' motion to dismiss, Dkt.
5 7; DENYING petitioner's habeas petition as moot, Dkt. 1; and DISMISSING this action
6 without prejudice. A proposed order accompanies this Report and Recommendation.

7 Objections to this Report and Recommendation, if any, should be filed with the Clerk
8 and served upon all parties to this suit by no later than **July 16, 2014**. Failure to file objections
9 within the specified time may affect your right to appeal. Objections should be noted for
10 consideration on the District Judge's motion calendar for the third Friday after they are filed.
11 Responses to objections may be filed within **fourteen (14)** days after service of objections. If
12 no timely objections are filed, the matter will be ready for consideration by the District Judge
13 on **July 18, 2014**.

14 DATED this 2nd day of July, 2014.

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17 JAMES P. DONOHUE
18 United States Magistrate Judge
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